

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)
)
)
v.) Case No.:
)
)
GREGORY FILEX YADAO)

INDICTMENT

COUNT ONE:

**Possession of a Machine Gun
[18 U.S.C. § 922(o) and 924(a)(2)]**

The Grand Jury charges that:

On or about the 26th day of May 2022, in Jefferson County, within the Northern District of Alabama, the defendant,

GREGORY FILEX YADAO,

did knowingly possess a machinegun, that is, a Glock .40 caliber pistol with a Glock conversion device installed enabling it to fire automatically more than one shot, without manual reloading, by a single function of the trigger, in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

COUNT TWO

**Possession with Intent to Distribute Methamphetamine,
Heroin, Fentanyl, and Cocaine
[21 U.S.C. § 841(a)(1), (b)(1)(B), and (b)(1)(C)]**

The Grand Jury charges that:

On or about the 26th day of May, 2022, in Jefferson County, within the

Northern District of Alabama, the defendant,

GREGORY FILEX YADAO,

did knowingly and intentionally possess with the intent to distribute a controlled substance, such offense involving five (5) grams or more of methamphetamine, a mixture and substance containing a detectable amount of heroin, a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4 piperidinyl] propanamide, more commonly referred to as “fentanyl,” and a mixture and substance containing a detectable amount of cocaine, each a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B), and (b)(1)(C).

COUNT THREE

**Use/Carry a Firearm During and in Relation to a Drug Trafficking Crime
[18 U.S.C. § 924(c)(1)(A)(i) and (c)(1)(B)(ii)]**

The Grand Jury charges that:

On or about the 26th day of May, 2022, in Jefferson County, within the Northern District of Alabama, the defendant,

GREGORY FILEX YADAO,

did knowingly use and carry a firearm, that is, a Glock .40 caliber pistol with a Glock conversion device installed enabling it to fire automatically more than one shot, without manual reloading, by a single function of the trigger, said firearm being a “machinegun” as defined in Title 26, United States Code, Section 5845, and a Bersa

9mm pistol, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, the drug trafficking offense alleged in Count Two of this Indictment, all in violation of Title 18, United States Code, Section 924(c)(1)(A)(i) and (c)(1)(B)(ii).

COUNT FOUR
Felon in Possession of a Firearm
[18 U.S.C. § 922(g)(1)]

The Grand Jury charges that:

On or about the 26th day of May, 2022, in Jefferson County, within the Northern District of Alabama, the defendant,

GREGORY FILEX YADAO,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, a Glock .40 caliber pistol and a Bersa 9mm pistol, and the firearm was in and affecting commerce, in violation of Title 18, United States Code, Section 922(g)(1). YADAO was previously convicted on August 26, 2013, of the offense of Leaving the Scene of an Accident with Injuries, in the Circuit Court of Jefferson County, in case number CC-2013-312, and was previously convicted on May 23, 2016, of the offense of Possession of a Controlled Substance, in the Jasper Superior Court, Jasper County, Indiana, in case number 37D01-1512-F5-000912, each of the said offenses being a crime punishable by imprisonment for a term exceeding one year.

COUNT FIVE:
Possession of an Unregistered Firearm
[26 U.S.C. § 5861(d)]

The Grand Jury charges that:

On or about the 26th day of May 2022, in Jefferson County, within the Northern District of Alabama, the defendant,

GREGORY FILEX YADAO,

knowingly received and possessed a firearm, a Glock .40 caliber pistol with a Glock conversion device installed enabling it to fire automatically more than one shot, without manual reloading, by a single function of the trigger, said firearm being a “machinegun,” not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5861(d) and 5871.

FIRST NOTICE OF FORFEITURE
[18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c)]

1. The allegations contained in Counts One through Five of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. Upon conviction of any offense charged in Counts One through Five of this Indictment, the defendant, **GREGORY FILEX YADAO**, shall forfeit

to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms, magazines, and ammunition involved in or used in the commission of the offenses, including, but not limited to, **a Bersa 9mm pistol, bearing serial number K94217, and a Glock 22C .40 caliber pistol, bearing serial number MNV873.**

SECOND NOTICE OF FORFEITURE
[21 U.S.C. § 853]

1. The allegations contained in Counts One through Five of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.
2. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 841, the defendant, **GREGORY FILEX YADAO**, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense. The property to be forfeited includes, but is not limited to, the following: **a Bersa 9mm pistol, bearing serial number K94217, and a Glock 22C .40 caliber pistol, bearing serial number MNV873.**
3. If any of the property described above, as a result of any act or omission

of the defendant[s]:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL

/s/electronic signature
FOREPERSON OF THE GRAND JURY

PRIM F. ESCALONA
United States Attorney

/s/electronic signature
BRITTANY T. BYRD
Assistant United States Attorney